

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPHINE GERSCHEFSKE,

Plaintiff,

-VS-

COURTYARD BY MARRIOTT,

Defendant.

Case No.: FILED: APRIL 29, 2008

08CV2422 TG

Judge: JUDGE GUZMAN

Magistrate: MAGISTRATE JUDGE MASON

NOTICE OF REMOVAL

Pursuant to *Title 28 U.S.C. §1441, et seq.*, and *28 U.S.C. §1332*, Defendant, **COURTYARD MANAGEMENT CORPORATION**, **incorrectly sued herein as Courtyard By Marriott**, by and through one of its attorneys, ROBERT M. BURKE of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above captioned action from the Circuit Court of Cook County, Cause No. 08 L 2934, to the United States District Court, Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. On or about March 17, 2008, Plaintiff, Josephine Greschefske, initiated the above captioned lawsuit by the filing of a Complaint entitled Josephine Greschefske v. Courtyard By Marriott, docket No. 08 L 2934 in the Circuit Court of Cook County, Illinois. A copy of the initial Complaint at Law is attached hereto, labeled Exhibit "A", and incorporated herein by reference.

2. On or about March 17, 2008, Plaintiff caused a Summons to be issued for service upon the registered agent of Courtyard By Marriott. A copy of said Summons is attached hereto, labeled Exhibit "B", and incorporated herein by reference.

3. Service was obtained upon Prentice Hall Corp., the registered Agent for Courtyard Management Corporation on April 3, 2008.

4. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above described action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 for the following reasons:

- (a) Josephine Gerschefske, at the time the lawsuit was commenced and at all relevant times, has been a resident and citizen of the State of Missouri;
- (b) The Defendant, Courtyard Management Corporation, at all relevant times, has been a Delaware corporation with its principal place of business in Bethesda, Maryland; therefore, for diversity of citizenship purposes, it is a citizen of the States of Delaware and Maryland;
- (c) According to the allegations contained in the Complaint filed by the Plaintiff herein, the amount of damages sought in this action is in excess of the jurisdictional limitation of the Circuit Court of Cook County, Illinois, which is an amount in excess of \$30,000.00. Plaintiff's counsel has signed an affidavit attesting to the fact that Plaintiff will seek damages in an amount in excess of \$30,000.00. According to the medical records obtained by Defendant herein, and pursuant to the Pre-Trial Memorandum filed by the Plaintiff, a copy of which is attached hereto and labeled Exhibit "C", the medical bills total more than \$55,000.00, and Plaintiff sustained a fractured left hip. Plaintiff underwent a surgical procedure known as an open reduction and internal fixation to repair same. While Defendant anticipates that it will vigorously contest the issue of liability at any causal connection between the negligence attributed to it and Plaintiff's cause of action, it is Defendant's good faith belief that the amount in controversy in this action exceeds \$75,000.00 exclusive of interest and costs;
- (d) This Notice of Removal is being filed with the Clerk of the United States District Court for the Northern District, Eastern Division, within thirty (30) days of service of the Summons and Complaint on this Defendant;
- (e) This action, based upon diversity of citizenship and the amount in controversy is, therefore, properly removable, pursuant to 28 U.S.C. § 1441(a).

5. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, COURTYARD MANAGEMENT CORPORATION,
respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Courtyard
Management Corporation

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
33 West Monroe Street, #2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

STATE OF ILLINOIS
COUNTY OF COOK ss.

Atty. No. 36723

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

JOSEPHINE GERSCHEFSKE
Plaintiff

v

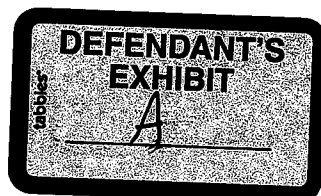
No.

COURTYARD BY MARRIOTT, a
Foreign Corporation
Defendant

COMPLAINT AT LAW

Now comes the Plaintiff, JOSEPHINE GERSCHEFSKE, by her attorney, Michael P. Concannon, Ltd., and complains of the Defendant, COURTYARD BY MARRIOTT, a Foreign Corporation and states as follows:

1. On 9/28/07, plaintiff, JOSEPHINE GERSCHEFSKE was lawfully present upon a certain exterior sidewalk at Courtyard by Marriott Hotel premises located at 2175 Marriot Dr., City of West Dundee, County of Kane, and in the State of Illinois.
2. Then and there, and for a long time prior thereto, defendant, COURTYARD BY MARRIOTT, a foreign corporation was in ownership, management, possession, and control of said Courtyard by Marriott premises located at 2175 Marriot Dr., City of West Dundee, County of Kane, and in the State of Illinois
3. Then and there, defendant, COURTYARD BY MARRIOTT, a foreign corporation did and continues to do business in the County of Cook, in the State of Illinois.



4. Then and there, defendant, **COURTYARD BY MARRIOTT**, a foreign corporation, was under a legal duty to exercise ordinary care in the ownership, upkeep, safety and maintenance of said premises located at 2175 Marriot Dr, West Dundee, IL., for the safety of those legally upon the premises.

5. Then and there, as plaintiff was emerging from her parked vehicle, she was caused to trip and fall due to broken, uneven, depressed, defective and dangerous concrete sidewalk slab.

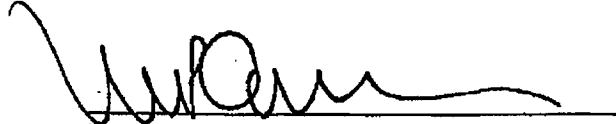
6. Then and there, defendant knew or in the exercise of ordinary care should have known of the presence of said broken, uneven, depressed, defective and dangerous concrete sidewalk slab.

7. Defendant was negligent in one or more of the following ways:

- (a) Failed to repair said dangerous area;
- (b) Failed to inspect said dangerous area;
- (c) Failed to warn of said dangerous area;
- (d) Failed to illuminate said dangerous area; and
- (e) Allowed said dangerous area to remain.

8. As a direct and proximate result of one or more of the aforesaid acts of negligence of the defendants, plaintiff was caused to sustain severe and permanent injuries, which have and will in the future cause her great pain and suffering, both physical and mental, and she has been and will in the future be compelled to expend large sums of money in and about medical care and attention, endeavoring to be cured of her said injuries and she has been and will in the future be prevented from attending to her usual affairs and occupations.

WHEREFORE, plaintiff, JOSEPHINE GERSCHEFSKE, prays judgment against the defendant, COURTYARD BY MARRIOTT, a foreign corporation, in an amount in excess of \$30,000. plus costs so as to confer jurisdiction to the Circuit Court of Cook County, Law Division.

A handwritten signature in black ink, appearing to read 'Michael P. Concannon', written over a horizontal line.

Michael P. Concannon, Ltd.
Attorney for Plaintiff

MICHAEL P. CONCANNON, LTD.
Attorney for Plaintiff
Ten South LaSalle Street - Suite 3410
Chicago, Illinois 60603
312-372-8506
Atty. No. 36723

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication
ALIAS - SUMMONS

CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, _____ LAW _____ DIVISION

(Name all parties)

JOSEPHINE GERSCHEFSKE

v.

COURTYARD BY MARRIOTT, a Foreign Corporation

2008L002934

CALENDAR/ROOM C

TIME 00:00

No. _____
PLEASE SERVE DEFENDANT:

COURTYARD BY MARRIOTT
c/o REGISTERED AGENT:
PRENTICE HALL CORP.
33 N. LASALLE STREET
CHICAGO, IL 60602

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602

☐ District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077

☐ District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008

☐ District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153

☐ District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455

☐ District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426

☐ Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 36723

Name: Law Offices of Michael P. Concannon, Ltd.

Atty. for: Plaintiff

Address: 10 S. LaSalle Street, Suite 3410

City/State/Zip: Chicago, Illinois 60603-1002

Telephone: (312) 372-8506

Service by Facsimile Transmission will be accepted at:

WITNESS, _____

DOROTHY BROWN
Clerk of Court

Date of service:

(To be inserted by officer on copy left with defendant
or other person)

(312) 372-7338

(Area Code) (Facsimile Telephone Number)

DEFENDANT'S
EXHIBIT

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

3313

PRE-TRIAL MEMORANDUM D/A 9/28/07 (Rev 2/11/08) CCL 0056

A SEPARATE MEMORANDUM MUST BE PREPARED FOR EACH PLAINTIFFDamages of Plaintiff MRS. JOSEPHINE GERSCHEFSKE Case Number _____
(D O B 3/23/1927)Description of Injuries. FRACTURED LEFT HIP

MEDICAL EXPENSES -	Dates	Names	Charges
Hospital Emergency Room (<u>9/28/07</u>	<u>Provena Saint</u>	\$ <u>48,654</u>
Hospital Confinement (<u>9/28/07</u> to _____	<u>Joseph Hospital</u>	_____
Treating Doctor	(_____ to _____)	_____	_____
Treating Doctor	(<u>9/29/07</u> to _____)	<u>Orthopedic & Spine Surgeons</u>	<u>6,044</u>
Consulting Doctor	(_____)	_____	_____
Examining Doctor	(_____)	_____	_____
X-Ray Laboratory	(<u>9/28/07</u>)	<u>East Dundee</u>	<u>668.</u>
	(_____)	_____	_____
Physical Therapy	(_____ to _____)	_____	_____
Medical Aids (Describe)	_____	_____	_____
			TOTAL \$ <u>55,366 +</u>

LOSS OF EARNINGS:

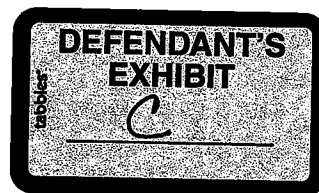
From _____ to _____ employed at _____ \$ _____
 From _____ to _____ employed at _____ \$ _____
TOTAL \$ _____

PROPERTY DAMAGE (Year _____ Make _____ Model _____)

(Repaired) (Estimated) by _____ at cost of \$ _____
 (Auto Rental) (Towing) (Deductible Collision Payment) _____

OTHER CLAIMED DAMAGES:

Describe _____ \$ _____
 Pltf Demand \$ _____ Def No 1 Offer _____ Def No 2 Offer _____

GRAND TOTAL \$ 55,366 +**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

04/17/2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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JOSEPHINE GERSCHEFSKE,

Plaintiff,

-VS-

COURTYARD BY MARRIOTT,

Defendant.

Case No.: FILED: APRIL 29, 2008

08CV2422

TG

Judge:

JUDGE GUZMAN

Magistrate: MAGISTRATE JUDGE MASON

NOTICE OF FILING NOTICE OF REMOVAL

TO: Mr. Michael P. Concannon
Michael P. Concannon, Ltd.
10 South LaSalle Street
Suite 3410
Chicago, Illinois 60603

PLEASE TAKE NOTICE that a Notice of Removal of this action was filed with the United States District Court for the Northern District of Illinois, Eastern Division, as Case No. _____ on April 29, 2008. A copy of the Notice of Removal has also been filed with the Clerk of the Circuit Court of Cook County, Law Division on April 29, 2008. A copy of the Notice of Removal is attached hereto.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Courtyard
Management Corporation

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
33 West Monroe Street, Suite 2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

CERTIFICATE OF SERVICE

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a non-attorney, certifies that she served a copy of the above and foregoing NOTICE OF FILING NOTICE OF REMOVAL to all attorneys of record, by depositing a copy of same in the United States Mail, first class postage prepaid, this 29th day of April, 2008.

/s/Lisa A. Morrison

I certify that the statements set forth herein are true and correct.

JOHNSON & BELL, LTD.
33 West Monroe Street
Suite 2700
Chicago, Illinois 60603
(312) 372-0770

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPHINE GERSCHEFSKE,

Plaintiff,

-VS-

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Defendant.

Case No.: FILED: APRIL 29, 2008

08CV2422

Judge: JUDGE GUZMAN

Magistrate: MAGISTRATE JUDGE MASON

JURY DEMAND

Defendant, **COURTYARD MANAGEMENT CORPORATION**, and hereby
demands a trial by jury.

DATED: April 29, 2007.

JOHNSON & BELL, LTD.

By: /s/Robert M. Burke
Robert M. Burke, attorney for Defendant
Courtyard Management Corporation

Robert M. Burke
JOHNSON & BELL, LTD.
Attorneys for Defendant
Suite 2700
33 West Monroe Street
Chicago, Illinois 60603
(312) 372-0770
Firm I.D. No.: 06347